UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,891	11/20/2003	Dan L. Dalton	200312744-1	9408

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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER
LE, TUAN H

ART UNIT	PAPER NUMBER
2622	

NOTIFICATION DATE	DELIVERY MODE
07/24/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
mkraft@hp.com
ipa.mail@hp.com

	Application No.	Applicant(s)
Office Action Summary	10/717,891	DALTON, DAN L.
	Examiner	Art Unit	
	TUAN H. LE	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 February 2008*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14,16-20,22,23,25-29 and 31* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-14,16-20,22,23,25-29 and 31* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *20 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-14, 16-20, 22, 23, 25-29,

31 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14, 16-20, 22, 23, 25-29, 31 are rejected under 35

U.S.C. 102(e) as being anticipated by Battles (U.S. Pub. 2004/0095480 to

Battles et al).

Regarding **claim 1**, Battles discloses a method implemented by a digital

camera, comprising the steps of:

displaying an image captured by a photosensor of the digital camera

(Battles, Fig. 1, paragraph [0020], wherein display 140 displays an image);

receiving a first user input corresponding to the image displayed by a

digital camera, the first user input comprising a designation of the displayed

image as a favorite image (Battles, Fig. 1, Fig. 3B, paragraph [0028], wherein

GOOD option is selected for quality-level of a favorite image);

down-sampling image data corresponding to the displayed image

responsive to the first user input (Battles, Fig. 1, Fig. 3B, paragraph [0036],

wherein with GOOD option, the displayed image uses less memory space); and

storing the down-sampled image data in non-volatile memory (Battles, Fig.

1, paragraph [0016], wherein memory 130 stores a version of image data

generated by sensor 110).

Regarding **claim 2**, Battles discloses

the non-volatile memory is integral to the digital camera (Battles, Fig. 1,

paragraph [0015], wherein memory 130 is integrated into the camera).

Regarding **claim 3**, Battles discloses

the non-volatile memory is part of a memory card that is detachably

coupled to the digital camera (Battles, Fig. 1, paragraph [0015], wherein memory

130 is removable from the camera).

Regarding **claim 4**, Battles discloses

outputting the down-sampled image data to a television responsive to a

second user input (Battles, paragraphs [0023] and [0028], wherein when

DISPLAY option is selected, down-sample image is displayed on an external

monitor).

Regarding **claim 5,** Battles discloses

retrieving the image data from a memory card coupled to the digital

camera prior to down-sampling the image data (Battles, paragraph [0015],

wherein data from memory 130 is read).

Regarding **claim 6,** Battles discloses

retrieving the image data from the non-volatile memory prior to down-

sampling the image data, wherein the non-volatile memory is part of the digital

camera (Battles, paragraph [0016], wherein data from memory 130 is changed to

a new format).

Regarding **claim 7,** Battles discloses

receiving a second user input at the digital camera corresponding to an

option to view favorite images (Battles, paragraph [0028], wherein DISPLAY

option is selected); and

displaying an image that is constructed using the down-sampled image

data (Battles, paragraph [0028], wherein when DISPLAY option is selected,

display 140 shows images).

Regarding **claim 8**, Battles discloses a method implemented by a digital

camera, comprising the steps of:

receiving a first user input corresponding to an image displayed by a

digital camera Battles, Fig. 1, Fig. 3B, paragraph [0028], wherein GOOD option is

selected for quality-level of a favorite image); and

responsive to receiving the first user input:

retrieving image data corresponding to the image from a removable

memory card coupled to the digital camera (Battles, paragraph [0015],

wherein data from memory 130 which is both integral and removable

memory is read); and

storing image data corresponding to the image in non-volatile

memory that is part of the digital camera (Battles, Fig. 1, paragraph

[0016], wherein memory 130 stores read image data).

Regarding **claim 9**, Battles discloses

capturing the image prior to receiving the first user input; and

displaying the image prior to receiving the first user input (Battles, Fig. 1,

paragraph [0020], wherein display 140 displays a captured image);

Regarding **claim 10**, Battles discloses

outputting image data corresponding to the image to a television (Battles,

paragraphs [0023], wherein image data is displayed on an external monitor).

Regarding **claim 11**, Battles discloses

down-sampling the retrieved image data prior to the step of storing

(Battles, Fig. 1, paragraph [0016], wherein memory 130 stores a new version of

read image data).

Regarding **claim 12**, Battles discloses

receiving a second user input corresponding to an option to view favorite

images (Battles, paragraph [0028], wherein DISPLAY option is selected); and

displaying the image responsive to the second user input (Battles,

paragraph [0028], wherein when DISPLAY option is selected, display 140 shows

images).

Regarding **claim 13**, Battles discloses a method implemented by a digital

camera, comprising the steps of:

receiving a plurality of user inputs corresponding to a plurality of

respective images displayed by the digital camera (Battles, Fig. 1, paragraphs

[0012], [0026], [0028], wherein user inputs are in accordance with more than one

captured image);

designating the plurality of images as favorite images responsive to the

plurality of respective user inputs (Battles, Fig. 3B, paragraph [0028], wherein

GOOD options for quality-level of favorite images are selected);

responsive to the plurality of user inputs:

down-sampling the plurality of images (Battles, Fig. 1, Fig. 3B,

paragraph [0036], wherein with GOOD option, the displayed image uses

less memory space); and

storing the down-sampled images in non-volatile memory in the

digital camera (Battles, Fig. 1, paragraph [0016], wherein memory 130

stores a version of image data generated by sensor 110);

receiving another user input corresponding to an option to display favorite

images (Battles, paragraph [0028], wherein DISPLAY option is selected); and

displaying at least one of the plurality of images responsive to receiving

the other user input (Battles, paragraph [0028], wherein when DISPLAY option is

selected, display 140 shows images).

Regarding **claim 14**, Battles discloses outputting at least one of the

plurality of images to a television (Battles, paragraph [0023], wherein image is

displayed on an external monitor).

Regarding **claim 16**, Battles discloses

capturing each of the plurality of images;

displaying each of the plurality of images (Battles, paragraph [0026],

wherein one or more images is/are captured and displayed).

Regarding **claim 17**, Battles discloses a digital camera comprising:

non-volatile memory (130), (Battles, Fig. 1);

user input keys (150), (Battles, Fig. 1);

a display screen configured to display an image captured by the digital

camera and display a favorites menu option in response to selection of one of the

user input keys (Battles, paragraph [0026], wherein captured image and menu

interface are shown on display device 140); and

at least one processor (120), (Battles, Fig. 1, paragraph [0018], wherein

processor is programmed) that is programmed to:

down-sample image data corresponding to an image displayed by

the digital camera responsive to the selection of the one of the user

input keys corresponding to the favorites menu option (Battles, Fig. 1, Fig.

3B, paragraph [0036], wherein with GOOD option, the displayed image

uses less memory space); and

provide the down-sampled image data to the non-volatile memory

(Battles, Fig. 1, paragraph [0016], wherein memory 130 stores a version of

image data generated by sensor 110).

Regarding **claim 18**, Battles discloses

the image data is retrieved from the non-volatile memory prior to being down-sampled (Battles, paragraph [0016], wherein data from memory 130 is changed to a new format).

Regarding **claim 19**, Battles discloses

the at least one processor is further programmed to enable the down-sampled image data to be provided to a television (Battles, paragraph [0023], wherein image is displayed on an external monitor).

Regarding **claim 20**, Battles discloses

the image data is retrieved from a memory card coupled to the digital camera prior to the image data being down- sampled Battles, paragraph [0016], wherein data from memory 130 is changed to a new format).

Regarding **claim 22**, Battles discloses a digital camera (Battles, Fig. 1) comprising:

a display (140); and

at least one processor (120) that is programmed to:

designate a plurality of images as favorite images responsive to the digital camera receiving a plurality of respective user inputs (Battles, Fig. 1, paragraphs [0012], [0026], [0028], wherein user inputs are in accordance with more than one captured image); and

provide image data corresponding to at least one of the plurality of images to the display responsive to the digital camera receiving another user input corresponding to an option to display favorite images, (Battles, paragraph [0028], wherein DISPLAY option is selected, display 140 shows images);

wherein the at least one processor is further programmed to down-sample

data corresponding to each of the plurality of images responsive to each of the

plurality of respective user inputs (Battles, Fig. 1, paragraphs [0016], [0018],

wherein the processor is programmed and wherein memory 130 stores a version

of image data generated by sensor 110).

Regarding **claim 23**, Battles discloses

the at least one processor is further programmed to enable the down-

sampled image data to be provided to a television (Battles, paragraph [0023],

wherein image is displayed on an external monitor).

Regarding **claim 25**, Battles discloses

the image data is retrieved from the non-volatile memory prior to being

down-sampled (Battles, paragraph [0016], wherein data from memory 130 is

changed to a new format).

Regarding **claim 26**, Battles discloses

The at least one processor is further programmed to provide the down-

sampled data to the non-volatile memory (Battles, paragraph [0016], wherein

data from memory 130 is changed to a new format).

Regarding **claim 27**, Battles discloses (Battles, Fig. 1)

a photo-sensor configured to sense light corresponding to the image

(110);

a user-input interface configured to receive the user input (150).

Regarding **claim 28**, same ground of rejection as in claim 13 is applied.

Regarding **claim 29,** Battles discloses outputting at least one of the

plurality of images to a television (Battles, paragraph [0023], wherein image is

displayed on an external monitor).

Regarding **claim 31**, Battles discloses (Battles, Fig. 1)

a photo-sensor configured to sense light corresponding to the image

(110);

a user-input interface configured to receive the user input (150).

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to TUAN H. LE whose telephone number is

(571)270-1130. The examiner can normally be reached on M-Th 7:30-5:00 F

7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The

fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

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Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

/David L. Ometz/
Supervisory Patent Examiner, Art
Unit 2622

/Tuan H Le/
Examiner, Art Unit 2622